

**MINUTES  
REPRESENTATIVE TOWN MEETING  
MARCH 19, 2012**

**CALL TO ORDER**

A Special Representative Town Meeting was called to order at 8:15 p.m. by Moderator Karen Armour.

Upon Roll Call, the following members were present:

From District I, there were 15 members present, 2 absent  
From District II, there were 11 members present, 4 absent.  
From District III, there were 13 members present, 5 absent.  
From District IV, there were 9 members present, 5 absent.  
From District V, there were 12 members present, 4 absent.  
From District VI, there were 13 members present, 3 absent.

The absentees from District I were: Imbimbo, Schwarz.

The absentees from District II were: Bacon, Hilton, Howe, Maguire.

The absentees from District III were: Brode, Cardone, Fead, Ferretti, Smith.

The absentees from District IV were: Cameron, Morrison, Rycenga, C. Schoonmaker,  
S. Schoonmaker.

The absentees from District V were: Camuti, Dailey, Sharp, Van Der Kieft.

The absentees from District VI were: Baldwin, McDermott, Palen.

**ACCEPTANCE OF THE AGENDA**

**\*\* THE AGENDA WAS ACCEPTED BY UNIVERSAL CONSENT.**

**APPROVAL OF THE MINUTES OF THE JANUARY 23, 2012 MEETING**

**\*\* THE MINUTES WERE ACCEPTED AS DISTRIBUTED BY UNIVERSAL CONSENT.**

**12-2**

**CONSIDERATION AND ACTION ON NOMINATION OF DIRK LEASURE TO THE FIVE MILE RIVER COMMISSION, FOR SUBMISSION TO THE GOVERNOR FOR REAPPOINTMENT**

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

**WHEREAS**, pursuant to §15-26a of the Connecticut General Statutes, the Governor may appoint two electors from each of the towns of Norwalk and Darien to the Five Mile River Commission; and

**WHEREAS**, each such member shall be appointed by the Governor from a list of nominees to be submitted by the legislative body of each such town; and

**WHEREAS**, the Board of Selectmen at its meeting of February 27, 2012, voted unanimously to recommend the nomination and re-appointment of Dirk Leasure to the Governor for membership on the Five Mile River Commission;

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien recommends the nomination and re-appointment of Dirk Leasure to the Governor for membership on the Five Mile River Commission.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Sarah Seelye, District II, Chairman of TGS&A, read that committee's report (attached).

**\*\* ITEM 12-2 CARRIED ON A RISING TALLY VOTE OF 72 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

### 12-3

#### **CONSIDERATION AND ACTION ON PROPOSED REDISTRICTING OF THE TOWN'S SIX VOTING/RTM DISTRICTS, INCLUDING PROCESS FOR 2012 ELECTIONS OF RTM MEMBERS**

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

**WHEREAS**, a plan of redistricting affecting the 141<sup>st</sup> House of Representatives District has been adopted by the State of Connecticut; and

**WHEREAS**, the changes to the district boundaries for the 141<sup>st</sup> House of Representative District require modification of Darien voting district boundaries; and

**WHEREAS**, pursuant to C.G.S. § 9-169, the Town, acting by its RTM, must revise its voting district boundaries.

**BE IT AND IT IS HEREBY RESOLVED** that the new Voting District Boundaries of the Town of Darien are revised as described in the attached Exhibit dated March 7, 2012, which is hereby included in and made a part of this Resolution; and

**FURTHER RESOLVED** that there be no changes in the terms of any RTM members. Each incumbent member will continue to serve the term to which he/she has been elected and represent the district in which he/she resides.

**FURTHER RESOLVED** that any member of the RTM scheduled for re-election in November of 2012 or 2013 and whose district will be changed as a result of the adoption of the new Voting District Boundaries, will not be required to obtain a petition signed by at least twenty-five (25) electors of the district in which the candidate resides but will be allowed to nominate

himself/herself for re-election to the new district by written notice as provided in Sec. 53 of the Charter of the Town of Darien. In all other aspects, the election of town meeting members will be consistent with Chapter XIII of the Darien Town Charter.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Sarah Seelye, District II, Chairman of TGS&A, read the committee report (attached) and introduced Tom Dunn, Democratic Registrar of Voters, who reviewed the changes, explained why they occurred and where each district will vote.

E. Reilly Tierney, District I, noted that he was elected to the RTM last year and asked if he would have to run for re-election because of the redistricting. The Moderator responded that a person sits in the district he was elected from.

It was clarified that this was strictly because of numbers, not political affiliation.

**\*\* ITEM 12-3 CARRIED ON A RISING TALLY VOTE OF 68 IN FAVOR, 3 OPPOSED, 0 ABSTENTIONS.**

#### 12-4

#### CONSIDERATION AND ACTION ON THE NEWLY NEGOTIATED CONTRACT BETWEEN THE TOWN AND THE PUBLIC WORKS UNION EFFECTIVE JULY 1, 2011 THROUGH JUNE 30, 2014

**\*\* DAVID KAHN, DISTRICT I, CHAIRMAN OF THE PUBLIC WORKS COMMITTEE, MOVED:**

**WHEREAS**, contract negotiations between the Town of Darien and the Public Works Union have been ongoing; and

**WHEREAS**, the principal areas of negotiation included wage increases and contributions toward the cost of medical insurance; and

**WHEREAS**, an understanding on the terms of a new agreement have been reached; and

**WHEREAS**, the new contract runs for three (3) years from July 1, 2011 to June 30, 2014; and

**WHEREAS**, the new contract calls for 1.75% wage increase in first year, 2.50% wage increase in the second year and 2.25% wage increase in the third year; and

**WHEREAS**, the health care plan will change to a less costly plan with a voluntary option for a High Deductible Healthcare-HAS plan. The Town's share of medical insurance premiums will remain the same for the first and second year and the employee premium share will increase from 15% to 15.5% in the third year; and

**NOW THEREFORE, BE IT RESOLVED THAT** the Representative Town Meeting of the Town of Darien hereby approves said three (3) year agreement with the Public Works Union and as is more specifically described in the contract on file with the Darien Town Clerk.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

David Kahn, District I, Chairman of the Public Works Committee, read the committee report (attached).

Cheryl Russell, District V, Chairman of the Parks & Recreation Committee, read the committee report (attached).

Bruce Orr, District V, Chairman of the Finance & Budget Committee, read that committee's report (attached).

John Boulton, District V, asked the relative cost of the benefits package. Karl Kilduff, Town Administrator, said that the numbers remain unsettled at this time. Family coverage will come in at approximately \$22,000; employee +1 is a little under \$20,000 and single employee coverage is approximately \$17,000.

**\*\* ITEM 12-4 CARRIED ON A RISING TALLY VOTE OF 68 IN FAVOR, 2 OPPOSED, 0 ABSTENTIONS.**

**12-5**

**CONSIDERATION AND ACTION ON THE NEWLY NEGOTIATED CONTRACT  
BETWEEN THE TOWN AND THE POLICE UNION EFFECTIVE JULY 1, 2010  
THROUGH JUNE 30, 2014**

**\*\* JAMES PATRICK, DISTRICT V, VICE CHAIRMAN OF THE PUBLIC  
HEALTH & SAFETY COMMITTEE, MOVED:**

**WHEREAS**, contract negotiations between the Town of Darien and the Police Union have been ongoing; and

**WHEREAS**, the principal areas of negotiation included wage increases and contributions toward the cost of medical insurance; and

**WHEREAS**, an understanding on the terms of a new agreement have been reached; and

**WHEREAS**, the new contract runs for four (4) years from July 1, 2010 to June 30, 2014; and

**WHEREAS**, the new contract calls for 1.85% wage increase in first year, 2.25% wage increase in the second year and 2.50% wage increase in the third year and 2.50% wage increase in the fourth year; and

**NOW THEREFORE, BE IT RESOLVED THAT** the Representative Town Meeting of the Town of Darien hereby approves said four (4) year agreement with the Police Union and as is more specifically described in the contract on file with the Darien Town Clerk.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

James Patrick, District V, Vice Chairman of the Public Health & Safety Committee, read the committee report (attached).

David Martens, District III, asked for the 2010-2011 total personnel costs and the expected costs for 2012. Mr. Kilduff said that the total cost of the police union contract for 2010-11 is \$6,3000; for 2011-12, it is \$6,700,000; for 2012-13 it is \$6,580,000 and for 2013-14, it is \$6,800,000.

Ellyn Coyne, District III, said it looks like they are getting less of a raise than other similar towns. Mr. Kilduff said they are within the range of other towns; their wages are competitive.

**\*\* ITEM 12-5 CARRIED ON A RISING TALLY VOTE OF 68 IN FAVOR, 2 OPPOSED, 0 ABSTENTIONS.**

**(12-6)**

**CONSIDERATION AND ACTION ON AMENDMENTS TO DARIEN'S CHARTER, CHAPTER XIII, REGARDING THE REPRESENTATIVE TOWN MEETING**

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

**WHEREAS**, discussions have been held regarding the need to amend Chapter XIII of the Town Charter concerning the Representative Town Meeting; and

**WHEREAS**, a public hearing was duly noticed and held on January 19, 2012 concerning the proposed amendment to the Darien Town Charter.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien, in accordance with Section 98 of the Darien Town Charter, amends said Act and, in particular, amends Chapter XIII of the Town Charter in a manner set out in the proposal attached hereto and made part hereof.

Deleted language in [[brackets]]. NEW LANGUAGE IN CAPS (NEW). Entire sections that would be repealed and moved to RTM Rules are so noted.

**CHAPTER XIII. Representative Town Meeting**

**(1) Sec. 48. Voting at town meetings limited**, is repealed and moved to Part II of Appendix B, Sec 1.

**(NEW) Sec. 48. Membership, powers and duties**, shall read as follows:

The Representative Town Meeting ('town meeting') is the 100-member, non-partisan, legislative body of the Town.

Among other responsibilities, as the Town of Darien's legislative body, the town meeting shall:

(a) enact, amend or repeal ordinances and resolutions for the general welfare of the Town;

- (b) upon the recommendation of the board of selectmen, adopt, amend or repeal ordinances establishing non-elected town bodies;
- (c) determine its rules of procedure (see Appendix B of the Code of Ordinances);
- (d) approve or decrease appropriations and rate of taxation in accordance with Chapter XI, Sec. 40 of this Charter;
- (e) act on special or emergency appropriations as recommended by the board of finance;
- (f) approve leasing, sale or acquisition of real property by the Town; and
- (g) otherwise act as the legislative body for the Town.

(2) **Sec. 49, Election of town meeting members**, is repealed and moved to Part II of Appendix B, Sec. 2.

(3) **Sec. 50, District representation**, is repealed and moved to Part II of Appendix B, Sec. 3.

(4) **Sec. 51, Terms of office; no compensation**, is repealed and moved to Part II of Appendix B, Sec. 4.

(5) **Sec. 52, Eligibility**, is repealed and moved to Part II of Appendix B, Sec. 5.

(6) **Sec. 53, Nominations and voting**, is repealed and moved to Part II of Appendix B, Sec. 6.

(7) **Sec. 54, Vacancies**, is repealed and moved to Part VII of Appendix B, Sec. 4.

(8) **Sec. 55, Regular and special meetings**, is repealed and moved to Part III of Appendix B, Sec. 1. (a), (b), (c) and (d).

9) **Sec. 56**, is re-numbered **Sec. 49, Procedure**.

(10) **Sec. 57**, is renumbered **Sec. 50, Actions of the town meeting**.

(11) **(NEW) Sec. 51, Specific power to amend charter**, shall read as follows:

Pursuant to the Special Acts, the town meeting may amend this Charter by adopting an ordinance as follows:

- (a) publish notice of a public hearing at least ten (10) days in advance of the hearing, which notice shall include the proposed amendment and the time and place of the hearing;

- (b) hold a public hearing to receive comment, and

- (c) approve the amendment by a vote of a majority of the town meeting membership at a regular meeting not fewer than sixty (60) days after the public hearing, unless the moderator and committee on rules declare the amendment to be an emergency measure in which event the vote may occur sooner.

**(12) Sec. 57** re-numbered **Sec 50. Notice of actions of the town meeting and effective dates**, and is amended to read as follows:

a) Within one week of the adoption of any ordinance; the town clerk shall publish notice thereof, and no ordinance shall become effective until ten (10) days after such publication except for a public emergency measure. An ordinance stated to be a public emergency measure and containing facts describing the public emergency may be temporarily effective upon such publication.

b) No vote of the town meeting authorizing the expenditure for any specific single purpose of fifty thousand dollars or more or the issuance of bonds, shall become effective until ten days after the adjournment of the meeting.

c) In the event of a codification reorganizing the Code of Ordinances, the action adopting such codification shall not be effective until thirty (30) days following publication.

d) Any action made the subject of a referendum, other than a public emergency measure, shall not become effective until the day following the referendum, if approved.

e) In the instances of a codification of ordinances, bylaws and regulations, notice shall be exclusively satisfied by filing at least two (2) copies thereof in the office of the town clerk of Darien at least thirty (30) days prior to the effective date of the ordinance adopting the same, which effective date shall not be sooner than thirty (30) days from the date of passage. A petition for referendum described in section [[59]] 52 may be filed at any time within the thirty (30) days during which the codified ordinance, bylaws and regulations are on file as required herein and the filing of a petition for referendum shall be accomplished in the same manner as otherwise provided under the remaining provisions of section [[59]] 52, and the provisions of section [[58]] 51(c) shall apply to this subsection (e).

**(13) Sec. 59**, re-numbered **Sec. 53, Referendum**, and is hereby reorganized and amended to read as follows:

(a) Any action of the town meeting described in section [[57]] 50 adopting an ordinance or approving the appropriation or issuance of bonds of \$50,000 or more for a single purpose shall be subject to overrule by referendum.

(b) Upon the submission to the town clerk of the requisite petition [G.S. 7-9, as amended], the board of selectmen shall call a referendum to be held promptly. The requisite petition shall be signed by not less than five percent (5%) of the electors of the Town as of the last municipal election, and

(1) concerning the adoption of an ordinance, be submitted to the town clerk prior to the effective date of the ordinance as provided in section [[57]] 50 of this Charter; and

(2) concerning the determination of the appropriation or issuance of bonds of \$50,000 or more for a single purpose, be submitted to the town clerk on or before the tenth day following the action of the town meeting.

(c) A referendum shall overturn the action of the town meeting only if a majority of the votes cast disapprove of the action and if such majority consists of at least twenty-five percent (25%) of the electors of the Town as of the last municipal election.

(1) The polls shall remain open from two o'clock p.m. until eight o'clock p.m., but the hours for voting may be increased in the discretion of the board of selectmen.

(2) If the referendum is called to vote on any action of the town meeting described in section [[57]] 50(a), only electors of the town shall be entitled to vote. If the referendum is called to vote on any action of the town meeting described in section [[57]] 50(b), voters as well as electors shall be entitled to vote. In this subsection, the terms "elector" and "voter" are used in the sense in which they are defined in G.S. 9-1.

(3) The ballots shall state separately each matter to be voted on, in substantially the following form: "Shall the following action of the town meeting held on (date) be approved?" followed by a statement of the action in substantially the same language and form in which it appears in the records of such town meeting, and the ballot shall provide a means of voting "Yes" or "No" on each question so presented.

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Sarah Seelye, District II, Chairman of TGS&A, read the committee report (attached).

Bruce Orr, District V, said that he had reviewed this and respectfully requests that a summary memo be circulated to the RTM articulating what has been done.

**\*\* ITEM 12-6 CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 0 OPPOSED, 1 ABSTENTION.**

#### 12-7

### CONSIDERATION AND ACTION ON AMENDMENTS TO DARIEN'S CHARTER, CHAPTER IV, REGARDING TOWN COUNSEL

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

Deleted Language in [[brackets]], NEW LANGUAGE IN CAPS

#### **CHAPTER IV. TOWN COUNSEL**

**Sec. 19. Appointment, term, qualifications AND duties. [[,compensation as fixed]]**

(A) The board of selectmen shall appoint a town counsel for a term of two years.

(B) THE BOARD OF SELECTMEN shall [[be]] fix [[his]] TOWN COUNSEL'S compensation within the appropriation made for such office, SUBJECT TO THE APPROVAL OF THE BOARD OF FINANCE.



(C) THE REQUIREMENTS FOR APPOINTMENT AS TOWN COUNSEL SHALL INCLUDE BEING:

(1) An attorney admitted to practice in this state. [[and shall be the legal advisor of the town]]

(2) AN ATTORNEY HAVING AT LEAST FIVE YEARS' ACTIVE PRACTICE AT THE BAR OF THIS STATE.

(D) THE DUTIES OF TOWN COUNSEL SHALL INCLUDE BUT ARE NOT LIMITED TO:

(1) Serving as legal advisor to the town.

(2) [[he shall prepare or approve]] PREPARING AND APPROVING the form and validity of all contracts and other instruments to which the town is a party or in which it has an interest.

(3) [[He shall, upon request or the board of selectmen or of any other town officer, board or commission, furnish]] FURNISHING to the board of selectmen and such officer, board or commission [[his]] written opinions on any question of law involving their powers and duties.

(4) ASSISTING THE REPRESENTATIVE TOWN MEETING IN DRAFTING RESOLUTIONS, ORDINANCES AND REGULATIONS.

(5) [[Upon]] AT the direction of the board of selectmen, [[he appear]] APPEARING for the town or any of its officers, boards or commissions in any action brought by or against it or them IN THEIR OFFICIAL CAPACITIES and [[shall prosecute]] COMMENCING, [[or defend]] DEFENDING, APPEALING, COMPROMISING OR SETTLING the same [[and shall take such appeals therein and effect such compromises and settlements]] thereof as the board of selectmen may direct.[[; his compensation for which shall be fixed by the board of selectmen, subject to the approval of the board of finance.]]

**\*\* THE MOTION WAS SECONDED FROM THE FLOOR.**

Sarah Seelye, District II, Chairman of TGS&A, read the committee report (attached).

**\*\* ITEM 12-7 CARRIED ON A RISING TALLY VOTE OF 70 IN FAVOR, 0 OPPOSED, 0 ABSTENTIONS.**

**(12-8)**

**CONSIDERATION AND ACTION ON AMENDMENTS TO DARIEN'S CODE OF ORDINANCES, APPENDIX B, REGARDING RULES OF PROCEDURE FOR THE REPRESENTATIVE TOWN MEETING**

**\*\* SARAH SEELYE, DISTRICT II, CHAIRMAN OF TGS&A, MOVED:**

**WHEREAS**, the Rules of Procedure of the Representative Town Meeting provide a procedure for the orderly and efficient conduct of the meeting in a manner that will safeguard the traditional principles of representative government; and

**WHEREAS**, Sections 49, 50, 51, 52, 53, 54, and 55 of Charter were repealed and included in Part II, Sections 1-7 and Part III, Sections 1-4, of Appendix B, Rules of Procedure of the Representative Town Meeting.

**BE AND IT IS HEREBY RESOLVED** that the Representative Town Meeting of the Town of Darien hereby amends Appendix B, Rules of Procedure of the Representative Town Meeting in a manner set out in the attached Appendix B, as amended.

New language is designated as (NEW) or is in CAPS. Deleted language is in **[[brackets.]]**

## **APPENDIX B**

### **TOWN OF DARIEN** **RULES OF PROCEDURE** **of the REPRESENTATIVE TOWN MEETING (RTM)** <sup>[53]</sup>

Part I. Purpose of the Rules

#### **Part II. (NEW) TOWN MEETING MEMBERSHIP AND VOTING RIGHTS**

Part III. Regular and Special Meetings

Part IV. Warning, the Agenda and the Resolutions of the Meeting

Part V. Conduct of Meeting

Part VI. Rules Committee and Standing Committees

Part VII. Special Committees and Advisory Commissions

Part VIII. District Chairmen, Vacancies and Resignations

Part IX. Amendment

#### **Part I—Purpose Of the Rules**

The purpose of these rules is to provide a procedure for the orderly and efficient conduct of the meeting in a manner that will safeguard the traditional principles of representative government. These Rules are adopted pursuant to Section 56(e) of the Act Consolidating Certain Special Acts concerning the Town of Darien (hereinafter referred to as the Act).

#### **Part II--Town Meeting Membership and Voting Rights**

**Part II-Sec 1. The right to vote at town meetings of the Town of Darien, except meetings for the election of town officers, shall be limited to town meeting members elected as provided herein.**

- Editor's note- Printed herein are the RTM Rules. Such Rules were originally adopted in 1962, Revised 1972 and amended thereafter. The 2012 Revised RTM Rules have incorporated provisions that were previously included in the Town Charter.

Part II- Sec 2. At each municipal election, there shall be elected by ballot by each voting district the number of town meeting members to be elected therefrom in accordance with [[section (c) of the act]] Part II-Sec 3. The provisions of the general statutes relating to elections shall apply to all elections of town meeting members, except as the same are inconsistent with the provisions of this act. No member shall be elected who does not receive at least twenty-five (25) votes of the electors of the district. If a tie vote in a district prevents the election of a town meeting member, the office shall stand vacated and be filled by appointment from among the candidates so tied by a vote of a majority of the town meeting members for said district, both newly elected members and those incumbents whose terms of office extend to the next municipal election.

Part II-Sec. 3. District Representation: The registrars of voters shall certify to the town clerk, not less than forty days before a municipal election, the number of electors registered in each voting district on the sixtieth day before such election. Each district shall elect one town meeting member for each one hundred electors in such district, computed to the nearest one hundred, as established by said certification of the registrars; provided the total number of members shall be limited to one hundred by apportioning members among the several voting districts so that the members from a given district shall be the same as the percentile figure, disregarding fractions, which, as of the sixtieth day before such election, the number of electors registered in that district bears to the total number of electors of all districts. However, if as the result of applying the foregoing procedure there is a deficiency in the permitted membership of one hundred, one additional member shall be allowed to as many districts, selected in descending order of the magnitude of the fractions disregarded above, as is necessary to make up that deficiency. [[At the 1962 election and thereafter]] The number of town meeting members to be elected from each district shall be the number of replacements necessary because of expiring terms plus or minus the number of seats necessary to make the total membership from each district equal to its allotted representation.

Part II-Sec. 4. Terms of Office; no compensation: Terms of office of members elected to the RTM shall be two (2) years except as provided herein. In each voting district, the maximum number of two-year terms which may be filled at any election shall be a bare majority of the total allotted representation of that district. Others elected shall have one-year terms. Preference for two-year terms shall be given in descending order of the number of votes received. Town meeting members shall serve until their successors are elected and have qualified. They shall serve without compensation.

Part II-Sec. 5. Eligibility: No person shall be eligible for election or appointment as a town meeting member for any voting district who is not an elector of the town and a resident of such district at the time of the filing of his nominating petition or notice of re-nomination in accordance with section 6 of the Act or at the time of his appointment in accordance with section 7 of the Act. No town meeting member shall at the same time hold any other town elective office, or appointive town office as defined in sections 4 and 6 of the Charter, except as expressly permitted in other sections of the Charter or the Code of Ordinances or as provided by state law or where any additional office is advisory as authorized by section 18 of the Charter. [[Except where state law provides to the contrary, no town meeting member shall be employed by the town in a position which normally participates in a pension plan sponsored by the State of Connecticut or the Town of Darien.]] If for any reason a town meeting member ceases to be a

resident or an elector of the town, his office shall thereupon become vacant. A town meeting member may continue for the remainder of his term to represent the district electing him although his residence has been removed to another district of the town.

#### **Part II-Sec. 6. Nominations and voting:**

(a) Nomination of a candidate for a town meeting member shall be made by filing with the town clerk, between eight and twelve weeks prior to the election, a petition on a form provided by the town clerk, signed in ink by at least twenty-five electors of the district in which the candidate resides and bearing the written acceptance of the candidate. A town meeting member may nominate himself for reelection from the same district by giving written notice to such effect to the town clerk at least ten weeks before the election. Each such petition shall contain the name of only one candidate.

(b) Except as otherwise provided by the general statutes, voting for members of the town meeting shall be by voting machine or by absentee ballot. The town clerk shall certify to the secretary of the state, in accordance with legal due dates, the number of candidates which each voting district may elect, and the names of the candidates nominated in each of said districts. There shall be no party name, symbol, or identification of town meeting candidates. An elector may vote for as many persons to be town meeting members as his district is entitled to elect. An elector shall be entitled to cast any or all of his votes for write-in candidates.

#### **Part III—Regular and Special Meetings**

Part III-Sec.1. Regular town meetings shall be held and shall be designated as follows:

Annual Town Meeting: Second Monday of November;

State of the Town Meeting: Fourth Monday after the annual town meeting;

Regular Town Meeting: Fourth Monday of January;

Regular Town Meeting: Third Monday of March;

Annual Budget Meeting: Second Monday of May;

Regular Town Meeting: Fourth Monday of September;

If any of these Mondays is a legal holiday, said meeting shall be held on the next succeeding business day.

Part III-Sec. 2. In the event of inclement weather, power failure or similar circumstances, or the failure to obtain a quorum at the time of a scheduled meeting of the RTM, the moderator may, at his discretion, reschedule the meeting to the next following Monday, giving such notice of rescheduling to the town clerk and RTM in a manner he shall consider reasonable.

Part III-Sec. 3. Special town meetings may be convened by the moderator on his own initiative, and shall be convened by him within ten days after he receives a written request from the first selectman, or after he received a petition, signed by no [[less]] fewer than 50 electors of the town. Such petition shall conform to the requirements for petitions set forth in section 7-9 of the General Statutes of Connecticut [G.S. § 7-9]. In addition, such request or petition shall state clearly the item or items of business to be considered at such special town meeting. In the absence or

disability of the moderator, such special town meeting shall be convened by the town clerk within ten days of his receiving such a request or petition or a duplicate copy thereof.

Part III-Sec. 4. . At the state of the town meeting, the first selectman and the chairmen of the board of finance, the board of education and the planning and zoning commission, and such other town officials as the rules committee of the RTM may designate, shall be invited to present their views on existing and prospective matters within their respective spheres that are likely to be of concern to the RTM in the coming year.

Part III-Sec. 5. If, under the General Statutes of Connecticut, a collective bargaining agreement between the Town and its employees shall be binding on the legislative body of the town unless the legislative body of the town rejects such agreement within a stated period of time and if a regular meeting does not fall within the stated period of time, then the moderator shall call a special town meeting to consider that contract.

#### **Part IV—The Warning, The Agenda And The Resolutions Of The Meeting.**

Part IV-Sec 1. The warning of a meeting is the notice to the members of the RTM and to other electors that a meeting will be held at a stated place, time, and date for the purpose of transacting stated business. The warning is prepared by the town clerk.

The agenda of a meeting is the summary of items to be acted upon at the meeting. The agenda is prepared by the rules committee. The items to be acted upon are expressed as resolutions. These resolutions are the motions to be acted upon and are prepared by the sponsoring body.

Part IV-Sec. 2 Resolutions to be included in the agenda may be submitted by the board of selectmen,, any other elected town board, the moderator, or written application of 50 electors (as part of an application for a special meeting as provided in Part II,Sec. 2, of these rules, or separately for inclusion in a regular meeting), or the RTM (as provided in Part V,Sec. 6 of these rules). These items must be submitted to the town clerk in a timely fashion.

Part IV-Sec. 3. The warning and agenda of each regular meeting shall be given at least ten days prior to the date of such meeting. The warning of a special meeting shall be given at least five days prior to the date of such meeting.

Part IV-Sec. 4. Warnings shall be given by the town clerk, shall be in writing, and shall state the date, place, time and agenda for the meeting. The warning and agenda shall be published in a local newspaper according to the time specified in subsection c. The warning, agenda, and resolutions shall be mailed to each RTM member.

Part IV-Sec. 5. No business may be transacted at any meeting except upon those agenda items included in the warning.

#### **Part V—Conduct Of the Meeting**

Part V-Sec.1. All meetings shall be public. The area of the meeting place to be occupied by members shall be separated from the area to be occupied by other electors. A member seeking recognition by the Moderator shall (unless recognized by name by the moderator), before otherwise speaking, state his name and district.

Part V-Sec. 2. One-half of the membership shall constitute a quorum for doing business, but a smaller number may organize temporarily with powers of discussion and referral to committee but without any further power.

Part V-Sec. 3. Meetings shall be called to order by the town clerk, or, in his absence, by the first selectman, if present, otherwise by the moderator. Following the roll call, the meeting shall be presided over by the moderator. If the moderator is absent on the roll call, the clerk shall, subsequent to the roll call, inquire of the rules committee whether it has designated an acting

moderator in accordance with Part VI-Sec. 1(a), of these rules of procedure. If the committee has designated an acting moderator, he shall assume the chair. If the committee has not made such designation, the clerk shall entertain a motion for the designation of an acting moderator (from among the members) of the meeting; in the latter case, if during the course of the meeting the moderator enters the meeting, he shall assume the chair. The town clerk shall act as the clerk of all meetings. If the town clerk is absent when the meeting is to be called to order or at any time thereafter, the meeting shall designate an acting clerk.

Part V-Sec. 4. A stenographic record of each meeting, including a record of members present and absent, shall be kept by the town clerk and kept on file in his office for public inspection according to law. Accurate minutes of each meeting shall be prepared by the clerk and a copy thereof shall be mailed by him to each member with the warning of the next meeting.

Part V-Sec. 5. The order of business at each meeting shall be as follows:

- Call to order;
- Roll call;
- Reading and acceptance of the agenda;
- Reading and approval of minutes of prior meeting;
- Items of business;
- Other matters;
- Adjournment.

Reading of the agenda and reading of minutes of prior meeting[s] may be dispensed with on suitable oral resolution from the floor. Other matters may be only discussed or referred to the committee, or both.

Part V-Sec... 6. No business concerning items on the agenda shall be transacted by any meeting except upon written resolution moved and seconded by members. Electors who are not members may, when recognized by the moderator, discuss at any meeting any matters within the jurisdiction of the RTM for such length of time and under such circumstances as the moderator shall determine; provided that any such discussion shall be subject to the same rules of order as any other discussion at the meeting.

Part V-Sec. 7. Sense of the meeting votes are non-binding and may be used as a courtesy vote to express recognition of a person or a group or as an expression of opinion regarding an issue not necessarily within the jurisdiction of the RTM. Two-thirds of those present and voting must approve consideration before such an item may be addressed.

Part V-Sec. 8. Voting on all matters for which a permanent record is required shall be by tallying a rising vote with the district chairman and the vice chairman initialing the district tally sheets to affirm that the votes have been properly recorded; except if a motion to have a roll call vote is made and supported by 25 percent of the RTM members present, such a vote shall be taken by the clerk; except that all contested elections held in the RTM shall be by secret ballot. The clerk shall report the results of all rising, roll call, and ballot votes including the numbers of members absent and those abstaining. Absent members shall not be entitled to vote. The moderator at his/her discretion may call for a voice vote or a show of hands on other matters.

Part V-Sec. 9. The rules contained in Robert's Rules Of Order, Newly Revised, Tenth Edition (2000), shall govern the meeting in all cases to which they are applicable and in which they are not inconsistent with these rules of procedure.

## **Part VI—Rules Committee and Standing Committees**

Part VI-Sec. 1 (a) There shall be a rules committee composed of the moderator and two members elected from each RTM district. The functions and responsibilities of the rules

committee shall include: All matters involving the internal administration of the RTM, including interpretation and application of these rules of procedure; preparation of the RTM agenda for each meeting; assignment of members to standing committees; appointment of special committees and advisory commissions; resolution of questions or disputes concerning the function and responsibility of any standing committee, special committee or advisory commission; and the designation of an acting moderator.

(b) The rules committee shall fix the number of members of each standing committee and shall designate the members of standing committees; provided that there shall be at least one member of each standing committee from each district, and that one member may not be on more than two standing committees. Vacancies on standing committees shall be filled in the same manner.

(c) At the annual town meeting, the members of each district shall elect to the rules committee from among themselves two members. Except for a vacancy caused by a change in the post of moderator, vacancies on the rules committee shall be filled by the members of the district in which the vacancy occurs.

(d) The moderator shall be the chairman of the rules committee, which shall elect from among its members its vice chairman and clerk. The rules committee shall act only upon the affirmative vote of a majority of the committee.

(e) Within two weeks following the regular meeting of the RTM in September, the rules committee shall convene as a nominating committee chaired by the moderator to seek out and to propose the names of all interested current members of the RTM [either by continued incumbency or re-election] for nomination as moderator at the next annual meeting. If the current moderator or any member of the rules committee is interested actively or passively in being considered for such nomination, he should make his interest or willingness known at the outset of the nominating meeting and excuse himself from further deliberations of the committee. The committee may also designate RTM members to offer and second the nomination(s) at the next annual meeting. Nothing in this section shall preclude or discourage other members of the RTM from nominating other candidates for moderator at the annual meeting.

Part VI-Sec. 2. There shall be the following standing committees of the meeting:

- (a) Education.
- (b) Finance and budget.
- (c) Parks and recreation.
- (d) Planning, zoning and housing.
- (e) Public health and safety
- (f) Public works.
- (g) Town government structure and administration.

Part VI-Sec. 3. (a) It is the function and responsibility of each standing committee to provide accurate and up-to-date information to the meeting in the areas assigned to such committee; to maintain contact with the appropriate town boards, commissions and officials; to consider and recommend action to the meeting on proposed and pending resolutions, legislation or other matters affecting its assigned area; and to perform such other functions as may be assigned to such committee by the moderator, the rules committee or the meeting from time to time.

(b) The assigned areas of function and responsibility of each standing committee shall be as follows:

- (i) Education: Establishment, maintenance and operation of town public education facilities and programs, including all related matters of administration, personnel and finance.

(ii) Finance and Budget: Town finances, including the use and expenditure of town funds and authorizations of same, the establishment of tax assessments and rates, the operations of tax laws, with special emphasis on examination and review of all town budgets and proposals and on long-range capital and other fiscal planning, including all related matters of accounting, administration and personnel; RTM liaison with the board of finance.

(iii) Parks and Recreation: Establishment, maintenance and operation of town park and recreational facilities and programs, including all related matters of administration, personnel and finance.

(iv) Planning, Zoning and Housing: Operations of town planning, zoning, building inspection and public housing programs, including the adoption and enforcement of laws, rules and regulations affecting same and all related matters of administration, personnel and finance.

(v) Public Health and Safety:

(1) Operations of the town public safety program, including the adoption and enforcement of laws, rules and regulations affecting same and all related matters of administration, personnel and finance.

(2) Operations of the town health and social services programs including, among others, programs relating to the special needs of such groups as youth and the elderly, including the adoption and enforcement of laws, rules and regulations affecting same and all related matters of administration, personnel and finance.

(vi) Public Works: Establishment, maintenance and operation of town-owned or -operated public works facilities, such as all buildings owned or operated by the town (other than school buildings, park, recreational or police facilities), water, sewerage and incineration facilities, bridges, roads, sidewalks, etc., and all related matters of administration, personnel and finance.

(vii) Town Government Structure and Administration: The structure of town government, including the study of its form, composition and functioning and the review of (and where appropriate the preparation of) existing or proposed laws, rules, regulations, ordinances and procedures under which it operates, the making of recommendations relating to the proper structure of town government and appropriate measures looking toward the most practical, economical and efficient operation of town government and the service which town government provides or should provide; and working relationships of the various town boards, commissions, departments, and offices with each other; the working conditions for all personnel employed by the town; liaisons on these matters with other standing committees involved; and the operation of functions of the town not specifically assigned to any other committee of the RTM or any advisory commission appointed pursuant to these rules of procedure.

Part VI-Sec. 4. Members of the rules committee and standing committees shall serve for one year (computed as commencing with the annual town meeting) and until their successors are designated.

Part VI-Sec. 5. Each standing committee shall elect the following officers from among its members: chairman, one or more vice-chairmen and/or clerks.

Each standing committee may, subject to the approval of the rules committee, adopt its own rules of procedure not inconsistent with these rules of procedure.



Each standing committee shall hold election of its officers annually within two weeks following designation of standing committee membership by the rules committee and shall promptly notify the town clerk and the moderator as to the officers so elected.

Each officer of a standing committee shall hold office at the will of his committee and may be removed as such officer with or without cause by his committee.

The chairman of any standing committee may be removed from such office for failure to discharge properly his duties by the rules committee.

The finance and budget committee shall designate one or more of its members to provide liaison between it and each of the standing committees as to financial and budgetary matters concerning activities within the assigned areas of function and responsibility of the particular standing committee.

The moderator may attend any meeting of any standing committee, special committee or advisory commission.

Each standing committee shall act only upon the affirmative vote of a majority of a quorum of the committee.

Part VI-Sec. 6. All items coming before the RTM shall be referred by the moderator to the appropriate committee for review and report or may be referred to such committee by appropriate resolution of any meeting.

Any matter pending before a standing committee may, by vote of a majority of the members present at any meeting, be brought to the floor for discussion or for placing in the warning of the next meeting.

Any committee may, on its own motion, consider and report to the RTM upon any matter not referred to it but which is within the function and responsibility of such committee. Any questions or disputes concerning the function and responsibility of any standing committee shall be decided by the rules committee.

Part VI-Sec. 7. Each standing committee, special committee and advisory commission shall send a notice of each meeting to the moderator and shall keep accurate minutes of its meetings and a legible copy of same shall be sent promptly to the moderator.

## **Part VII—Special Committees and Advisory Commissions**

Part VII-Sec. 1. Special committees of the members may be established for limited times and for special purposes. Such special committees may be established by the moderator, by the meeting or by the rules committee. The members of any special committee and its chairman shall be designated by the moderator except that the rules committee shall designate the members and the chairman of any special committee appointed by it or by resolution of the meeting.

Part VII-Sec. 2. Notice of establishment of a special committee need not be included in the warning of a meeting and a resolution for same may be presented to and acted upon by any meeting during the meeting as the moderator may, in his discretion, permit.

Part VII-Sec. 3. Advisory commissions of electors of the town may be appointed as may be deemed necessary from time to time to study and advise on any matters. Electors so appointed need not be (but may be) members of the RTM. Such advisory commissions may be established by the meeting or by the rules committee, or, upon prior authorization of either the meeting or the rules committee, by any standing committee or special committee.

The members of advisory commissions shall be designated by the rules committee, which shall also have authority to designate the chairman of any such commission. If an advisory commission

is to be established by the meeting, or if authority for establishment of such a commission is to be sought from the meeting, notice of same shall be included in the warning of a meeting.

Part VII-Sec. 4. To the extent applicable and unless otherwise decided by the rules committee, special committees and advisory commissions shall otherwise be governed by the rules relating to standing committees.

## **Part VIII—District Chairmen, Vacancies and Resignations**

Part VIII-Sec. 1. At the annual town meeting, the members of each district shall elect from among themselves a district chairman and an alternate district chairman. In the event of a vacancy in either or both these posts, the incumbent district chairman or alternate district chairman, or the moderator, shall call a caucus of the members of the district for the purpose of filling the vacancy. In the event that both the district chairman and the alternate district chairman are absent from a meeting of the RTM, the moderator shall appoint a temporary district chairman from the members of that district to perform the duties of the district chairman for that meeting only.

Part VIII-Sec. 2. It is the function and responsibility of the district chairman to ensure a full slate of candidates for their respective districts for each municipal election, to take charge of filling vacancies in their respective districts, and to perform such other duties as may be assigned to them by the moderator.

Part VIII-Sec. 3. Resignation of an RTM member should be given in writing to the town clerk, and the town clerk shall promptly notify the district chairman involved and the moderator.

Part VIII-Sec. 4. Any vacancy in the office of a town meeting member for any district, from whatever cause arising, shall be filled by appointment by the other town meeting members for said district until the next annual municipal election at which, under state law, the vacancy may be filled. Upon filing with the town clerk a certificate of such appointment signed by a majority of such district members, the appointee shall be deemed to have qualified.

Within ten days after notification of a vacancy by the town clerk, the district chairman shall notify the remaining members of his district of the vacancy and shall call a caucus of the such remaining members, said caucus to be convened prior to the next regular meeting of the RTM; provided that, if such next regular meeting shall be held less than ten days after notice to the remaining members, the caucus shall be convened not later than the next following meeting of the RTM. The district chairman shall seek nominations from such remaining members for filling such vacancy and shall advise such remaining members prior to the convening of said caucus of any nominations received and any proposed members of which he has knowledge. Members not attending the caucus may vote by written absentee ballot presented at the caucus. In the absence of the district chairman at a caucus, the members present may elect a temporary chairman.

## **Part IX—Amendment**

Part IX-Sec. 1. These rules of procedure may be amended in any manner not inconsistent with law at any meeting upon the affirmative vote of a majority of the members present, provided that notice of the proposed amendment has been included in the warning of the meeting.

Part IX-Sec. 2. The provisions of the rules of procedure set forth in this Part IX may be suspended in whole or in part only with the affirmative vote of all members present at the meeting.

**\*\***

**THE MOTION WAS SECONDED FROM THE FLOOR.**

Diane Conologue, District VI, said in Part 5, it says that half of the membership constitutes a quorum. The Moderator said that has not changed.

**\*\* ITEM 12-8 CARRIED ON A RISING TALLY VOTE OF 69 IN FAVOR, 1  
OPPOSED AND 0 ABSTENTIONS.**

**\*\* UPON MOTION MADE AND SECONDED, IT WAS UNANIMOUSLY VOTED  
BY VOICE VOTE TO ADJOURN AT 9:15 P.M.**

Respectfully submitted,

Cheryl Telesco  
Telesco Secretarial Services

## APPENDIX

<u>DISTRICT I</u>	<u>(12-2)</u>	<u>(12-3)</u>	<u>(12-4)</u>	<u>(12-5)</u>	<u>(12-6)</u>	<u>(12-7)</u>	<u>12-8)</u>
Cepeda	yes	yes	yes	yes	yes	yes	yes
Firmin	yes	yes	yes	yes	yes	yes	yes
Glassmeyer	yes	yes	yes	yes	yes	yes	yes
Hegarty	yes	yes	yes	yes	yes	yes	yes
Henderson	yes	yes	yes	yes	yes	yes	yes
Huck	yes	yes	yes	yes	yes	yes	yes
Imbimbo	absent	absent	absent	absent	absent	absent	absent
Kahn	yes	yes	yes	yes	yes	yes	yes
Kelly	yes	yes	yes	yes	yes	yes	yes
Kernen	yes	yes	yes	yes	yes	yes	yes
Saksena	yes	yes	yes	yes	yes	yes	yes
Schneider	yes	yes	yes	yes	yes	yes	yes
Schulz-Amatruda	yes	yes	yes	yes	yes	yes	yes
Schwarz	absent	absent	absent	absent	absent	absent	absent
Sini	yes	yes	yes	yes	yes	yes	yes
Tierney	yes	yes	yes	yes	yes	yes	yes
Valentino	yes	yes	yes	yes	yes	yes	yes

### DISTRICT II

Bacon	absent	absent	absent	absent	absent	absent	absent
Ebrahimi	yes	yes	yes	yes	yes	yes	yes
Finn	yes	yes	yes	yes	yes	yes	yes
Hilton	absent	absent	absent	absent	absent	absent	absent
Hoffman	yes	yes	yes	yes	yes	yes	yes
Howe	absent	absent	absent	absent	absent	absent	absent
Magida	yes	yes	yes	yes	yes	yes	yes
Maguire	absent	absent	absent	absent	absent	absent	absent
Marston	yes	yes	yes	yes	yes	yes	yes
McIlmurray	yes	yes	yes	yes	yes	yes	yes
Miller	yes	yes	yes	yes	yes	yes	yes
Mundt	yes	yes	yes	yes	yes	yes	yes
Seelye	yes	yes	yes	yes	yes	yes	yes
Thorne, B.	yes	yes	yes	yes	yes	yes	yes
Thorne, M	yes	yes	yes	yes	yes	yes	yes

### DISTRICT III

Anderson	yes	yes	yes	yes	yes	yes	yes
Bayne	yes	yes	yes	yes	yes	yes	yes
Brode	absent	absent	absent	absent	absent	absent	absent
Burke	yes	yes	yes	yes	yes	yes	yes
Cardone	absent	absent	absent	absent	absent	absent	absent
Coyle	yes	yes	yes	yes	yes	yes	yes
Coyne	yes	yes	yes	yes	yes	yes	yes
Duffy	yes	no	yes	yes	yes	yes	yes
Fead	absent	absent	absent	absent	absent	absent	absent
Ferretti	absent	absent	absent	absent	absent	absent	absent
LeHan	yes	yes	yes	yes	yes	yes	yes
Maroney	yes	yes	no	no	yes	yes	yes
Martens	yes	yes	no	no	yes	yes	yes
Moore	yes	no	yes	yes	yes	yes	yes
Morton	yes	yes	yes	yes	yes	yes	yes
Olvany	yes	yes	yes	yes	yes	yes	yes
Smith	absent	absent	absent	absent	absent	absent	absent
Young	yes	yes	yes	yes	yes	yes	yes

<u>DISTRICT IV</u>	<u>(12-2)</u>	<u>(12-3)</u>	<u>(12-4)</u>	<u>(12-5)</u>	<u>(12-6)</u>	<u>(12-7)</u>	<u>12-8)</u>
Cameron	absent	absent	absent	absent	absent	absent	absent
Cleary	yes	yes	yes	yes	yes	yes	yes
Davis	yes	yes	yes	yes	yes	yes	yes
Fiore	yes	yes	yes	yes	yes	yes	yes
Hardison	yes	yes	yes	yes	yes	yes	yes
Kemp	yes	yes	yes	yes	yes	yes	yes
Millar	yes	yes	yes	yes	yes	yes	no
Morrison	absent	absent	absent	absent	absent	absent	absent
Peters	yes	yes	yes	yes	yes	yes	yes
Rayhill	yes	yes	yes	yes	yes	yes	yes
Rycenga	absent	absent	absent	absent	absent	absent	absent
Savage	yes	yes	yes	yes	yes	yes	yes
C.Schoonmaker	absent	absent	absent	absent	absent	absent	absent
S.Schoonmaker	absent	absent	absent	absent	absent	absent	absent

#### DISTRICT V

Adiletta	yes	yes	yes	yes	yes	yes	yes
Boulton	yes	yes	yes	yes	yes	yes	yes
Bumgardner	yes	yes	yes	yes	yes	yes	yes
Camuti	absent	absent	absent	absent	absent	absent	absent
Conniff	yes	yes	yes	yes	yes	yes	yes
Dailey	absent	absent	absent	absent	absent	absent	absent
Davis	yes	yes	yes	yes	yes	yes	yes
George	yes	no	absent	absent	absent	absent	absent
Hennessy	absent	absent	absent	absent	absent	absent	absent
Orr	yes	yes	yes	yes	abstain	yes	yes
Patrick	yes	yes	yes	yes	yes	yes	yes
Ritchie	yes	yes	yes	yes	yes	yes	yes
Russell	yes	yes	yes	yes	yes	yes	yes
Sharp	absent	absent	absent	absent	absent	absent	absent
Stolar	yes	yes	yes	yes	yes	yes	yes
vanderKieft	absent	absent	absent	absent	absent	absent	absent

#### DISTRICT VI

Adelman	yes	yes	yes	yes	yes	yes	yes
Armour	Did not vote						
Baldwin	absent	absent	absent	absent	absent	absent	absent
Broecking	yes	yes	yes	yes	yes	yes	yes
Conologue	yes	yes	yes	yes	yes	yes	yes
Grogan	yes	yes	yes	yes	yes	yes	yes
Guimond	yes	yes	yes	yes	yes	yes	yes
Haas	yes	yes	yes	yes	yes	yes	yes
Hawkins	yes	yes	yes	yes	yes	yes	yes
McDermott	absent	absent	absent	absent	absent	absent	absent
McLean	yes	yes	yes	yes	yes	yes	yes
McNamara	yes	yes	yes	yes	yes	yes	yes
Palen	absent	absent	absent	absent	absent	absent	absent
Plehaty	yes	yes	yes	yes	yes	yes	yes
Poli	yes	yes	yes	yes	yes	yes	yes
Swenson	yes	yes	yes	yes	yes	yes	yes

RTM  
March 19, 2012

(12-2) Resolution Recommending the Nomination and Re-appointment of Dirk Leasure to the Governor for Membership on the Five Mile River Commission

Good evening, I am Sarah Seelye, District II and Chairman of Town Government and Administration.

I move resolution 12-2 and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

The Board of Selectman met on February 27<sup>th</sup> to consider and take action on the re-appointment of Mr. Leasure. The Board of Selectman voted unanimously to recommend to the RTM that they approve his reappointment. The Board of Selectman recommends the RTM to vote in favor of this resolution.

~~to~~ for the nomination and re-appointment  
of Dirk Leasure to the Governor  
for membership on the Five Mile  
River Commission

**RTM**  
**March 19, 2012**

**(12-3) RTM Resolution Redrawing Voting District  
Lines Pursuant to Connecticut General Statutes**

I am Sarah Seelye, District II and chairman of Town Government and Administration.

I move resolution 12-3 and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

Every 10 years there is a census and the legislature makes sure that representation is equal. The District boundaries for the 141<sup>st</sup> House of Representatives will require modification. Darien voting districts will also shift due to population changes. These changes would take affect for the GOP presidential primary in April. Ample notice will be given to alert Darien voters of their new polling places. This will include the Darien Town Government website.

Tonight I am going to introduce Mr. Tom Dunn who is the Voter Registrar for the Town of Darien. He will explain the redistricting in more depth. Mr. Dunn..

## RTM PWC Report to RTM

David Kahn, District 1, Chairman of PWC.

I move resolution 12-4 and ask for as second.

Without objection I propose waiving the reading of the resolution.

On March 12th, PWC met with 9 of 13 members present, representing a quorum. The primary purpose of the meeting was to discuss the new three year contract between The Town of Darien and AFSCME representing 27 workers. (A summary of the terms of the contract has been provided to you in the materials for this meeting in the memo dated February 28, 2012 from Karl Kilduff.) Presenting to the committee were Karl Kilduff, Town Administrator and Nancy Markey, Director, Human Resources. In addition, the committee was joined by members of the Parks and Recreation Committee and the Finance and Budget Committee. The purpose of the joint meeting was to collectively raise questions with respect to the terms of the new contract. In advance of the meeting PWC reviewed the contract and prepared detailed questions for Mr. Kilduff and Ms. Markey.

Background: The current contract expired on June 30, 2011 and covers 22 employees under Public Works and 5 employees under Parks & Recreation. The total cost of the contract is approximately \$2.2 million and covers salaries and healthcare benefits. The contract has been expired for almost nine months due to several factors. (i) A transition within the union local leadership and the assigned staff representatives delayed negotiations for several months. (ii) There was an impasse over several issues and the Town sought arbitration. The contract was resolved before having to go through the full arbitration process.

The major terms of the contract that changed were found by the committee to be favorable. The wage increases that were negotiated were found to be reasonable in both absolute terms and on a relative basis to other nearby towns. The wage increases of 1.75%, 2.50% and 2.25% also were favorable relative to the previous contract terms. Changes to the health insurance plan are projected to result in modest cost savings over the term of the contract. Changes to working conditions also improved in terms of: (i) a cap on salary continuation under workers compensation, (ii) sick leave provisions and (iii) drug testing under certain limited circumstances.

The committee was satisfied that the terms of the contract were acceptable in all material respects. No concerns were raised by the committee during the course of the meeting. Of note: The committee was advised by Mr. Kilduff that employees of the Board of Education providing comparable services are compensated more generously under the terms of their contract.

The committee approved the contract with a vote of 9 in favor, 0 against and 0 abstaining.



March 19, 2012

RTM RESOLUTION APROVING A CONTRACT  
BETWEEN THE TOWN OF DARIEN AND  
THE PUBLIC WORKS UNION.

Good evening, I am Cheryl Russell, Chairman of the Park and Recreation Committee.

The Park and Recreation Committee held a Special Meeting on March 12, 2012 with Eight of 14 members present. We discussed the fact that this contract is a Public Works Union Contract; however, five members of the Park and Recreation Department are under this union contract.

At 8:30 p.m., the Park and Recreation Committee joined the Public Works Committee to hear Town Administrator Karl Kilduff respond to questions from the committees and give us the Towns input.

The Park and Recreation committee then discussed this contract. We felt it was modest and within the towns budget plus it would give the Town more oversight for possible abuse.

The Park and Recreation Committee vote unanimously in favor of the proposed contract.

**Finance & Budget Committee  
Report to RTM, March 19, 2012**

**(12-4) RTM RESOLUTION APPROVING CONTRACT BETWEEN THE  
TOWN AND THE PUBLIC WORKS UNION FROM JULY 1, 2011 AND JUNE  
30, 2014**

I am Bruce Orr, District 5 (or maybe District 3?) and Chair of Finance and Budget.

The F&B committee met, jointly with the Public Works and Park & Rec Committees on March 12, 2012, with 12 of 13 members present, comprising a quorum.

As you have heard from the Public Works Committee report to the RTM, we were joined by Karl Kilduff, Town Administrator and Nancy Markey, Town Human Resources Director. Numerous questions regarding the new recently ratified contract were posed and answered by Mr. Kilduff and Ms. Markey.

From an overall cost standpoint, general wage increases of 1.75%, 2.5% and 2.25% were viewed by the Committee as "reasonable and in-line" with regional standards. These annual wage increases are partially off-set by employee contribution to health care premiums, which rises to 15.5% in year three of the contract.

While you will notice that this contract goes into effect last year and Mr. Kilduff assures us that enough funds have been accrued for the retroactive wage increase of 1.75% for the fiscal year ending in June 2012. Furthermore, in terms of budgeting for fiscal years 2012/2013, the general wage increase of 2.5% and the health insurance off-set, currently stands at below the BOS recommended '12/'13 budget.

The Committee voted unanimously to approve this Contract and recommends the RTM vote in favor.

Bruce G. Orr, Sr.  
Chairman, March 19, 2012

**RTM Report of Public Health & Safety Committee March 19, 2012**

**Resolution (12-5) Approving a Contract Between the Town Of Darien and the Police Union**

I am James Patrick, District 5, and Vice-Chairman of the Public Health & Safety Committee.

Without objection, I waive the reading of the Resolution 12-5, approving a Contract between the Town of Darien and the Police Union.

I move this resolution. May I have a second?

The PH & S Committee met tonight at 7:00pm in Room 206 in joint session with the Finance & Budget Committee Chaired by Mr. Bruce Orr. The Darien Town Administrator Karl Kilduff attended to give both committees an overview of the Contract and answer questions. The highlights of the Contract are included in your Warning packet.

*w/ 8-12 members present  
representing  
a  
quorum*

I first want to point out that meeting an hour before the RTM Meeting to discuss and vote on any issue to be brought to you, the RTM, is less than ideal. This Contract has been in negotiations for 19 months and was put before the Union and voted on early last week. In addition, it was voted on and approved unanimously by both the Board of Selectmen and the Board of Finance. I attended both meetings and there were no comments from the public. I spoke with Chief Lovella, today, and while he said he had little to do with the negotiations, he was comfortable with the Contract for the employees.

Our Committee has focused on the aspects of the Contract that pertain to Health & Safety.

We note that the Contract has changes to the Health Care Plan offered which bring it in line with a less costly plan provided to Town Hall union employees and Department Directors. Employee premium share will increase over the life of the Contract, starting in 2013.

We also note that Karl Kilduff confirmed that the Town of Darien is competitive with surrounding towns in attracting quality candidates for our Police force. He commented that Darien has been able to recruit trained officers saving the town Police Academy expenses.

After further discussion and hearing comments from Finance & Budget, the Public Health & Safety Committee voted *8 in favor, none opposed*

Respectfully submitted, James M. Patrick, Vice-Chairman

**Finance & Budget Committee  
Report to RTM, March 19, 2012**

**(12-5) RTM RESOLUTION APPROVING CONTRACT BETWEEN THE  
TOWN AND THE POLICE UNION FROM JULY 1, 2010 AND JUNE  
30, 2014**

I am Bruce Orr, District 5 (or maybe District 3?) and Chair of Finance and Budget.

The F&B committee met on March 12, 2012, with 12 of 13 members present, comprising a quorum and again this evening, March 19. At our March 19 meeting we had 8 of 13 members present, comprising a quorum and we were joined by the RTM Public Health and Safety Committee.

As you have heard from the PH&S Committee report to the RTM tonight, we were joined by Karl Kilduff, Town Administrator, to review critical elements of the Contract settlement. As you have also read and heard tonight, the current contract actually expired in 2010 and negotiations have been on and off for the past 18 months.

From an overall cost standpoint, general wage increases of 1.85%, 2.25% and 2.50% were viewed by the Committee as "reasonable and in-line" with regional standards. These annual wage increases are partially off-set by employee contribution to health care premiums, which rises to 15% in year six of the contract.

The contract additionally and modestly tightens up on work rules, providing the Police Chief both added flexibility and control over a number of issues.

From a budgeting standpoint, retroactive wage increases have been effectively accrued and the '12/'13 fiscal year BOS recommended budget has wage increases that are at or below those included in the Contract Settlement.

The Committee voted Unanimously to approve this Contract and recommends the RTM vote for.

Bruce G. Orr, Sr.  
Chairman, March 19, 2012

## **Town Government, Structure and Administration Report to RTM, March 19 2012**

(12-6) RTM Resolution Revising Chapter XIII, of the Darien Town Charter relating to Representative Town Meeting.

I am Sarah Seelye, District II, and chair of Town Government, Structure and Administration.

I move Resolutions (12-6) and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

TGS&A met many times over the past year reviewing the next three items on the agenda. Chapter XIII, Appendix B and definition of Legal Counsel. On December 19, 2011, TGS&A met with nine of 12 members present comprising a quorum.

The Committee voted unanimously in favor of holding a Public Hearing on January 19, 2012. Proper notification was given in the Darien Times. The Public Hearing was held and no comments from the public were received. It has now been the appropriate 60 days since the Hearing.

Tonight TGS&A is pleased to bring the results of committee and legal work to the RTM for your approval.

You will remember the Rules Committee had asked the TGS&A committee to review the Charter and identify sections of the Charter that fall into one of the following categories:

- 1) sections that may be moved from the Charter into the Ordinances
- 2) sections that are in need of technical correction to bring them into line with current practices, and
- 3) sections that are obsolete and may be identified for deletion.

This work has been accomplished by closely working with a subcommittee of Karen Armour, Gary Swenson and Anita Rycenga all from the Rules Committee. We applaud their efforts. Mrs. Armour, as you may know, was on a past Charter Revision Committee. Town Council provided assistance in vetting all...may I repeat....all work that was done.

Please note that this is not Charter Revision, but Charter Maintenance and it does NOT involve issues that were voted upon in the 2008 Charter Revision. The work that was done was STRICTLY housekeeping in nature. This resolution along with the two that follow fall under the same criteria.

I have spoken to several RTM members over the past few days to see if there were questions or concerns. One member remarked that "Oh Boy..there sure are a lot of charter changes". To address this issue first. The resolutions before you are technical in nature..not policy changes.

The improvements made were to move details regarding the Representative Town Meeting to Appendix B, which will be the next resolution presented to you tonight. The reason to move information and details to Appendix B is this: it provides the details and rules not necessary for the Charter. For instance, in the new Section 48 of Chapter XIII, there is a paragraph (c) gives the membership's powers and duties and referenced in Appendix B.

In the Purpose of Appendix B, it states "The purpose of these rules is to provide a procedure for the orderly and efficient conduct of the meeting in a manner that will safeguard the traditional principles of representative government. These Rules are adopted pursuant to Section 56e of the Act Consolidating Certain Special Acts concerning the Town of Darien (herinafter referred to as the ACT)"

Chapter XIII is now streamlined and efficient. We (and I mean our legal representation) is confident that during this effort that the original meaning and intent has NOT been altered or diffused.

Thank you

## **Town Government, Structure and Administration Report to RTM, March 19, 2012**

### **(12-7) RTM Resolution revising Chapter IV, section 19 of the Darien Town Charter Concerning Town Counsel**

I am Sarah Seelye, District 2 and Chair of Town Government, Structure and Administration.

I move Resolution (12-7) and ask for a second.

If there are no objections, I propose to waive the reading of the Resolution.

TGS&A met on December 19, with nine of twelve members present comprising a quorum.

Revisions and clarifications to the section of the Charter concerning Town Counsel had been discussed during several meetings.

The existing Section 19 was a paragraph describing the appointment process by the Board of Selectman, term, qualifications, duties and compensation as fixed. This resolution does not give extra responsibilities to legal counsel that were not already in the current Charter. One addition is the following: The requirement for appointment as town counsel shall include being "an attorney having at least five years' active practice at the bar of this state." This is in accordance with local and state practices regarding legal counsel of towns and states.

Town Council vetted and approved this language. The committee voted unanimously to approve these changes. We recommend to the RTM to vote in favor of this Resolution.

# **Town Government, Structure and Administration Report to RTM March 19, 2012**

## **(12-8) Resolution Amending Appendix B, Town of Darien Rules of Procedure of the Representative Town Meeting.**

I am Sarah Seelye, District 2 and Chair of Town Government, Structure and Administration.

I move Resolution (12-8) and ask for a second.

If there are no objections, I proposed to waive the reading of the Resolution.

TGS&A met several times to discuss this resolution. Karen Armour, Gary Swenson and Anita Rycenga comprised a subcommittee to accomplish this body of work.

A little history...

In 1951 a Special Act of the Legislature allowed Darien to form an RTM – a “Representative Town Meeting” – rather than a “Town Meeting” – which had been the mode of governance since 1820.

Then in 1966 the rules for the Representative Town Meeting were compiled and revised in 1968 and 1972.

The format that we are looking at this evening dates from 1972.

Appendix B, then is the “Rules of Procedure” under which we operate. It tells us that:

- 1) we meet six times a year
- 2) the topics of three of our meetings (the Annual Meeting, The State of the Town Meeting and The Budget meeting)
- 3) how the meetings are announced (our Warnings)
- 4) the Rules Committee and the Standing Committes
- 5) and the process for Amendments to the rules.
- 6)

What we found in Review of Chapter XIII there was a duplication of material in Appendix B.



We also saw that Chapter XIII did not have an introduction concerning the Membership, powers and duties of the RTM.

Tonight, we are taking two separate but related actions.

- 1) removing material from the Charter that is already outlined in Appendix B and
- 2) making technical changes to Appendix B to recognize current state statutes ( this has to do with A Town employee allowed to be a member of the RTM. This was not always the case.
- 3)

It should be pointed out that there are no changes to the Charter's description of how Referendums are called, phrased, voted on or meeting a threshold for acceptance.

This fall our Rules Committee and TGS&A worked out the details of these changes. Town Counsel reviewed and vetted all changes.

On December 19, 2011 TGS&A met to discuss Appendix B with nine of twelve members present comprising a quorum.

The committee voted unanimously to approve these changes.

The changes were announced in a Public Notice on January 6, 2012 and a public hearing held January 19, 2012. No public comments were made. The appropriate 60 days have passed and we are ready to proceed.

We recommend to the RTM to vote in favor of this resolution.